



Your reference: N/A
Our reference: FOI_25_0268
E-mail: FOI
@gloucestershire.police.uk
Direct dial: 01452 754304
Postal Address: As above
Date: 27/03/2025

Dear

Gloucestershire Constabulary Freedom of Information request FOI_25_0268

On 06/03/2025 you sent an email constituting a request under the Freedom of Information Act asking the following:

I would like a copy of all information held relating to the Richard Miles murder (Newtown, March 1993).

If the murder weapon is still held in evidence, I'd like to know the last time it was tested for DNA.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

Gloucestershire Constabulary can neither confirm nor deny that it holds any information in relation to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 30(3) Investigations and proceedings conducted by public authorities
Section 31(3) Law enforcement

Section 30 is a qualified exemption and there is a requirement to consider the public interest in neither confirming nor denying that any information is held.

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or not whether information is held as well as considering the public interest.

Evidence of Harm

Section 30 and Section 31 are quite often used in conjunction with each other when applying the neither confirm nor deny stance in order to protect whether or not an investigation may have been conducted.

To confirm or deny whether information is held in relation to any alleged criminal activity of an individual/s would be likely to prejudice law enforcement functions of preventing and detecting crime, apprehending and prosecuting offenders. Issuing confirmation or denial responses in relation to any allegations, except for those that have already been publicly confirmed, would enable the public to build up a picture of who may have been the subject of any allegations. This would be prejudicial to policing functions, as individuals, including victims, may be less willing to come forward or assist with our enquiries if they were to believe that this information may become public knowledge and then be identified themselves.

Public Interest Test

Factors Favouring Disclosure – Section 30

The Police Service has a duty to conduct criminal investigations and by disclosing this information may provide the public with an awareness of any patterns in relation to this type of crime and help to inform public debate on this subject, whilst also providing transparency of policing operations.

Factors Against Disclosure – Section 30

Any information generated by an investigation needs to be treated with sensitivity. In some cases it is the confirmation, or otherwise, about who may be the subject of any such investigation, which would disclose facts that would prejudice the evidence gathering within an investigation.

In addition, it would not be in the public interest to disclose information (even inadvertently, through a confirmation or denial) which could identify investigative activities, and subsequently undermine those processes. To do so would hinder the prevention or detection of crime, and apprehension and prosecution of offenders.

Factors Favouring Disclosure – Section 31

Confirming or denying whether information is held regarding allegations made by or against individuals, would allow the public to see where the public funds are being spent and show the police service to be open and transparent in regards to its activities.

Factors Against Disclosure – Section 31

To confirm or deny that law enforcement holds information on any individual/s in relation to this matter has the potential to damage Gloucestershire Constabulary's ability to prevent and detect crime or apprehend or prosecute offenders in any associated allegations. It

may also, in some cases, reveal tactics and/or sources of information.

Balance Test

After weighing up the competing interests, I have determined that the Public Interest favours the application of the neither confirm nor deny stance in respect of your request.

I consider that the benefit that would result from issuing a confirmation or denial does not outweigh the considerations favouring the neither confirm nor deny response. To confirm or deny the existence of the requested information would allow interested parties to gain an upper hand and awareness of policing decisions used during investigations, leading to an increase of harm to either the investigation itself or the subject of the investigation.

To confirm or deny whether we hold this information would do little to further the public interest arguments, and in fact would have a negative impact upon Gloucestershire Constabulary's abilities to protect public safety and the promise of confidentiality inherent in our communications with those assisting with our enquiries.

Therefore, for the reasons set out above, I have found the balance test favours neither confirmation nor denial and accordingly refuse your application.

No inference can be drawn from these facts that information does or does not exist.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary